IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Jaipur Vidhyut Vitran Nigam Ltd. & Another Vs.
Hem Raj Sharma & Another
(D.B. Civil Special Appeal (Writ) No.51/1995)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan High Court Ordinance against the order dated 8-11-1994 in SB Civil Writ Petition No.2677/1988.

Date of Judgment: January 17, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Mr. Ajeet Kumar Sharma, for the appellants.

Mr. R.K.Mathur, for the respondents.

BY THE COURT: (Oral)

Challenge in the instant appeal is to the order dated November 8, 1994 of learned Single Judge whereby the writ petition of respondent Hemraj was allowed and the appellants were directed to grant selection grade to the respondent from the date he completed 15 years of service after his initial appointment vide letter dated June 5, 1972 (Annexure-1).

2. We have heard learned counsel for the parties and weighed the material on record.

3. Having scanned the material on record, we notice that in the writ petition the respondent claimed that he had been denied the grant of selection grade, although one Lekh Raj Parnami, who was appointed in the year 1971 in the Rajasthan Electricity Board and has passed the examination

along with the respondent had been granted selection grade, after counting his services with the Beas Project. The respondent claimed to be entitled to grant of selection grade contending that his services rendered with the Beas Project had to be counted for the purpose of grant of selection grade.

4. It is contended by learned counsel for the appellants that the services rendered by the respondent with Beas Project could not have been considered for grant of selection grade since Beas Project belonged to Central Government. We find no merit in this contention in view of the letter dated March 23/26, 1974 (Annexure-2), wherein it was stated as under:-

> "I am directed to convey approval of the Chairman that adhoc appointments made by you may continue till the project is completed provided that these persons would not claim any right of transfer from Beas Construction Board (Power Wing) to the Rajasthan State Electricity Board. It is further pointed out that whenever the RSEB holds examination for the recruitment of LDC's one centre would be opened at Chandigarh where these LDC's who have been appointed on adhoc basis, would be given opportunity for appearing in the examination and on passing the Board's examination, they would be considered as RSEB employees on permanent deputation to BCB and their seniority will be counted from the date of continuous officiation as adhoc LDC's. As regards class IV servants, recruited on adhoc basis by you in Rajasthan's quota, they may continue against your quota in the Beas Project till the completion of the project."

5. In view of the directions issued by the Secretary, Rajasthan State Electricity Board, we are of the opinion that learned Single Judge has rightly allowed the writ petition and granted selection grade to respondent.

6. For these reasons, we find no merit in the instant appeal and it

stands accordingly dismissed without any order as to costs.

(R.S.Chauhan),J. (Shiv Kumar Sharma)J.

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